

ORDINANCE NO. 2986-14

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, AMENDING CHAPTER 58 "LAND DEVELOPMENT REGULATIONS", ARTICLE III, "ZONING" SECTIONS 58-68; 58-69; 58-72; 58-75; 58-76; 58-79 AND 58-90 AS WELL AS WITHIN ARTICLE V, "ENVIRONMENTAL PROTECTION REGULATIONS", SECTION 58-214 SO AS TO REMOVE THE REQUIREMENT FOR SUPERMAJORITY VOTES FOR THE APPROVAL OF CERTAIN CONDITIONAL USES, PROVIDING FOR THE REQUIREMENT FOR TWO PUBLIC HEARINGS AND APPROVALS FOR CONDITIONAL USES FOR THREE STORY BUILDINGS WITHIN THE CENTRAL BUSINESS DISTRICT AND FOR CONSTRUCTION WITHIN THE STREAM FLOODPLAINS OF THE CITY, PROVIDING FOR CONFLICTS, SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Commission desires to implement recently amended policies in the Comprehensive Plan; and

WHEREAS, the City Commission also desires to provide opportunity for public hearings to be held twice for the approval of certain conditional uses, and

WHEREAS, this land development code amendment is consistent with the Comprehensive Plan, and meets the criteria established by Chapter 166, Florida Statutes and pursuant to and in compliance with law, notice has been given to the public by publication in a newspaper of general circulation to notify the public of this proposed Ordinance and of public hearings to be held; and

WHEREAS, the City Staff recommends this Ordinance, and the Planning and Zoning Board of the City of Winter Park has recommended approval of this Ordinance at their September 2, 2014 meeting; and

WHEREAS, the City Commission of the City of Winter Park held a duly noticed public hearing on the proposed zoning change set forth hereunder and considered findings and advice of staff, citizens, and all interested parties submitting written and oral comments and supporting data and analysis, and after complete deliberation, hereby finds the amendment consistent with the City of Winter Park Comprehensive Plan and that sufficient, competent, and substantial evidence supports the land development code changes set forth hereunder; and

WHEREAS, the City Commission hereby finds that this Ordinance serves a legitimate government purpose and is in the best interests of the public health, safety, and welfare of the citizens of Winter Park, Florida; and

WHEREAS, words with double underlined type shall constitute additions to the original text and strike through shall constitute deletions to the original text, and asterisks (***) indicate that text shall remain unchanged from the language existing prior to adoption of this Ordinance.

NOW THEREFORE BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, AS FOLLOWS:

SECTION 1. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-68 "Medium density multiple-family Residential (R-3) District", subsection (c) "Conditional uses"; paragraph (8) is hereby amended and modified as follows:

Sec. 58-68. Medium Density Multiple Family Residential (R-3) District.

* * *

(c) *Conditional uses.* The following uses may be permitted after review by the planning and zoning board ~~commission~~ and approval by the city commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

* * *

(8) Buildings with a third floor within the central business district, ~~which requires the affirmative votes of four city commissioners to be approved~~ provided that such conditional use approvals require two public hearing approvals by the city commission;

* * *

SECTION 2. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-69 "Multifamily (high density R-4) District", subsection (c) "Conditional uses"; paragraph (8) is hereby amended and modified as follows:

Sec. 58-69. Multifamily (high density R-4) District.

* * *

(c) *Conditional uses.* The following uses may be permitted after review by the planning and zoning board ~~commission~~ and approval by the city commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

* * *

(8) Buildings with a third floor within the central business district, ~~which requires the affirmative votes of four city commissioners to be approved~~ provided that such conditional use approvals require two public hearing approvals by the city commission;

* * *

SECTION 3. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-72 "Office (O-1) District", subsection (d) "Conditional uses"; paragraph (7) is hereby amended and modified as follows:

Sec. 58-72. Office (O-1) District.

* * *

(d) *Conditional uses.* The following uses may be permitted after review by the planning and zoning board ~~commission~~ and approval by the city commission in accordance with the provisions of this article. See Sec. 58-90. Conditional Uses.

* * *

(7) Buildings within the Central Business District with a third floor up to forty (40) feet in height, ~~which requires the affirmative votes of four (4) city commissioners to be approved~~ provided that such conditional use approvals require two public hearing approvals by the city commission.

* * *

SECTION 4. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-75 "Commercial (C-2) District", is hereby amended and modified by repealing 58-75 (i) (2) (c) and amending subsection (c) "Conditional uses"; paragraph (3) and as follows:

Sec. 58-75. Commercial (C-2) District.

* * *

(c) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning ~~board commission~~ and approval by the city commission in accordance with the provisions of this C-2 district section only. See Sec. 58-90 Conditional Uses.

* * *

(3) Buildings with a third floor and up to forty (40) feet in height, ~~which requires the affirmative votes of four (4) city commissioners to be approved as a conditional use~~ provided that such conditional use approvals require two public hearing approvals by the city commission;

* * *

SECTION 5. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-76 "Commercial (C-3) District", subsection (c) "Conditional uses"; paragraph (1) (o) is hereby amended and modified as follows:

Sec. 58-76. Commercial (C-3) District.

* * *

(c) *Conditional uses.*

(1) The following uses may also be permitted as conditional uses following review by the planning and zoning ~~board commission~~ and approval by the city commission in accordance with the provisions of this Article. See Sec. 58-90 Conditional Uses.

* * *

(o) Buildings with a third floor within the Central Business District up to forty (40) feet in height, ~~which requires the affirmative votes of four (4) city commissioners to be approved~~ provided that such conditional use approvals require two public hearing approvals by the city commission;

* * *

SECTION 6. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-79 "Public and quasi-public (PQP) District", subsection (d) "Conditional uses"; paragraph (6) is hereby amended and modified as follows:

Sec. 58-79. Public and quasi-public (PQP) District.

* * *

(d) *Conditional uses.* The following uses may be permitted as conditional uses following review by the planning and zoning board ~~commission~~ and approval by the city commission in accordance with the provisions of this C-2 district section only. See Sec. 58-90 Conditional Uses.

* * *

(6) Buildings with a third floor and up to forty (40) feet in height, ~~which requires the affirmative votes of four (4) city commissioners to be approved as a conditional use provided that such conditional use approvals require two public hearing approvals by the city commission;~~

* * *

SECTION 7. That Chapter 58 "Land Development Code", Article III, "Zoning" Section 58-90 "Conditional uses", subsection (c) "Approval of Conditional Uses"; paragraph (1) and subsection (e), "Conditional Use Approval Process", paragraph (1) are hereby amended and modified as follows:

Sec. 58-90. Conditional uses.

* * *

(c) *Approval of Conditional Uses.*

(1) A simple majority of the city commission may override any recommendation for denial or modify any conditions of approval in the recommendation of the planning and zoning board ~~commission~~ ~~except those involving conditional use approvals for three story buildings within the central business district geographic area as defined in this code, which shall require the affirmative vote of four city commissioners per the policies of the Comprehensive Plan.~~

* * *

(e) *Conditional Use Approval Process*

(1) For conditional uses approvals involving buildings over 10,000 square feet or for three story buildings within the central business district geographic area as defined in this code, there is a two step process established involving a preliminary approval and then a final development plan approval. Preliminary approvals may be recommended by the planning and zoning board ~~commission~~ and may be approved by the city commission except for three story buildings within the central business district and construction within stream floodplains which shall require two public hearing approvals

of the preliminary conditional use by the City Commission. Otherwise, or at the discretion of the applicant, the applicant may apply and request a final development plan approval in one step by both the planning and zoning board commission and the city commission, if all relevant issues are addressed and complete submissions are approved. A preliminary approval is the first step of a two-step approval process. The second step is the final development plan approval which requires the resubmission of additional plan documents or other relevant materials as may be deemed necessary to the planning and zoning board commission for recommendation and for action by the city commission. The city commission may, except for three story buildings within the central business district and for construction within stream floodplains, at its choosing, delegate the subsequent review and final development plan approval authority to the planning and zoning board commission such as providing for a final development plan approval subject to the planning and zoning board's commission's review and approval of a landscape plan, lighting plan, etc. The initial preliminary approval does not establish a contractual obligation for the city to issue development orders and building permits until the final approval is granted.

* * *

SECTION 8. That Chapter 58 "Land Development Code", Article V, "Environmental Protection" Division 3 "Flood Plain Regulations", Section 58-214 "Flood hazard regulations", subsection (d) is hereby amended and modified as follows:

Sec. 58-214. Flood hazard regulations.

* * *

(d) Located adjacent to the flood ways designated in section 58-212 are flood plain areas for the city's two streams: the portion of Howell Branch Creek between Lake Sue and Lake Virginia, and the Howell Branch Creek north of Lake Maitland. Within these streams flood plain areas that are below the base elevations, no adding of soil or other fill materials shall be permitted. In addition, the use of these areas for any structure shall be permitted only as a conditional use, provided that such conditional use approvals require two public hearing approvals by the city commission. ~~Provided further, any conditional use shall be granted only upon the affirmative vote of four members of the city commission.~~ The criteria utilized to evaluate such conditional use requests shall include, but not be limited to: the effect on flood storage capacity; environmental impacts on the wetland areas from the construction process; the loss of environmentally sensitive areas and the precedent for similar construction in such areas including conformance to the comprehensive plan.

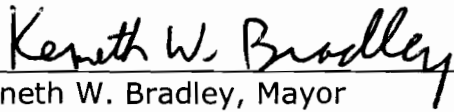
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SECTION 9. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 10. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

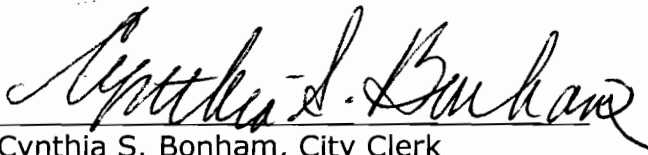
SECTION 11. Effective Date. This Ordinance shall become immediately effective upon its passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this 8th day of December, 2014.



Kenneth W. Bradley, Mayor

Attest:



Cynthia S. Bonham, City Clerk